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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,459	03/11/2004	Kurt Brooks Uhler	N0184 US	7407
37583	7590	09/07/2006	EXAMINER	
NAVTEQ NORTH AMERICA, LLC 222 MERCHANDISE MART SUITE 900, PATENT DEPT. CHICAGO, IL 60654			CAO, PHUONG THAO	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,459

Applicant(s)

UHLIR ET AL.

Examiner

Phuong-Thao Cao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/21/04, 8/30/05 & 9/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is in response to Application filed on 3/11/2004.
2. Claims 1-15 are pending.

Information Disclosure Statement

3. The Information Disclosure Statements (IDS) filed on 06/21/2004, 8/30/2005 and 9/26/2005 have been received and considered. Copies of the reviewed IDS(s) are enclosed with this office action.

Claim Objections

4. Claim 6 is objected to because of the following informalities: duplicate of "fences". Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1, 7-9 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Paulauskas et al. (US Patent No 6,401,033).

As to claim 1, Paulauskas et al. teach:

“A method of using a source database for forming derived products, wherein the source database contains data that represent geographic features in a region including roads in the region” (see Abstract, [column 3, lines 30-45] and [column 4, lines 15-30] wherein the geographic database is equivalent to Applicant’s “source database”), the method comprising:

“providing a first set of data from the source database, wherein the first set of data represents at least some of the geographic features in the region and further wherein the first set of data includes attributes suitable for use for providing navigation-related functions” (see [column 3, lines 1-15 and 35-45] and [column 4, lines 15-45] wherein geographic database is equivalent to Applicant’s “source database”, portion of geographic data stored or made available to the navigation programming on the vehicle is equivalent to Applicant’s “first set of data”;

“providing a first database product that includes the first set of data, wherein the first database product is used in the navigation system” (see [column 4, lines 1-15] wherein the geographic data provided by Navigation Technologies Corporation of Rosemont, Illinois is an example of database product used in the navigation system, as illustrated in Applicant’s claim language); and

“providing a second set of data from the source database and a geographic data tool set, wherein the second set of data represents at least some of the geographic features

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in the region and wherein the tool set is used with the second set of data for developing computer games that represent at least some of the geographic features in the region as part of play scenarios of the computer games” (see [column 4, lines 57-65], [column 6, lines 1-25], and [column 7, lines 1-5 and 20-30] wherein geographic data provided to the game programming or the geographic database 72 can be considered as Applicant’s “second set of data” and the disclosure of the game applications using the geographic data [column 4, lines 57-60] implies the inclusion of a geographic data tool set as illustrated in Applicant’s claim language).

As to claim 7, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Paulauskas et al. teach:

“accessing the second set of data using an application programming interface” (see [column 6, lines 15-20] wherein geographic data obtained by the game application is equivalent to Applicant’s “second set of data”, and the game application must obtain data from the geographic database through an application programming interface, as illustrated in Applicant’s claim language).

As to claim 8, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Paulauskas et al. teach:

“accessing the second set of data using a spatial query” (see [column 9, lines 20-30] wherein any data obtained from the database is equivalent to Applicant’s “second set

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of data”, and the disclosure of user using the navigation system search features to access data indicates the ability to access data using spatial query).

As to claim 9, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Paulauskas et al. teach:

“extracting data from the second set of data using spatial criteria” (see [column 6, lines 15-25] wherein obtaining only sign text information along the route upon which the vehicle is traveling indicates the use of spatial criteria as illustrated in Applicant’s claim language).

As to claim 11, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Paulauskas et al. teach:

“wherein the second set of data is provided directly from the source database for developing the computer games” (see [column 3, lines 35-40] wherein geographic data is equivalent to Applicant’s source database).

As to claim 12, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Paulauskas et al. teach:

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“forming a compiled database of geographic data from the source database” (see [column 4, lines 15-25] wherein the geographic database organized into separate subsets of data is equivalent to Applicant’s “compiled database”); and

“providing the second set of data from the complied database for developing the computer programs” (see [column 4, lines 15-25] wherein computer programs may using different subsets of data).

As to claim 13, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Paulauskas et al. teach:

“wherein the second set of data is provided to a plurality of end users computing platforms where the second set is used by computer games installed on the end users computing platforms to represent at least some of the geographic features in the region as part of play scenarios of the computer games” (see [column 4, lines 45-60] and [column 5, lines 30-55] wherein geographic data used by the game application or geographic database 72 is equivalent to Applicant’s “second set of data”).

As to claim 14, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Paulauskas et al. teach:

“wherein the second set of data is combined with other game-related components to form the computer games” (see [column 4, lines 55-65] wherein geographic data used

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by the game application is equivalent to Applicant's "second set of data" and game data is equivalent to Applicant's "other game-related components").

As to claim 15, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Paulauskas et al. teach:

"wherein the second set of data is combined with other game-related components to form the computer games, wherein the other game-related components include at least one of a group consisting of: characters, game logic, vehicles, game rules and programs for rendering and graphics" (see [column 4, lines 55-65] wherein geographic data used by the game application is equivalent to Applicant's "second set of data" and game data including game rules is equivalent to other game-related components as illustrated in Applicant's claim language).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulauskas et al. (US Patent No 6,401,033) as applied to claim 1 above, and further in

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view of Koller et al. (“Virtual GIS: A Real-Time 3D Geographic Information System”, IEEE: 1995).

As to claim 2, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Paulauskas et al. do not teach “wherein the second set of data is combined with road model data to provide a realistic visual appearance of roads in the region”.

Koller et al. teach “wherein the second set of data is combined with road model data to provide a realistic visual appearance of roads in the region” (see [page 95, column 2, paragraph 2 and 3], [page 96, column 1, paragraph 2] and [page 96, column 2, paragraph 4] wherein each dataset as disclosed is equivalent to Applicant’s “second set of data” and information related to display graphical representation of roads is equivalent to Applicant’s “road model data”).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Paulauskas et al. by the teaching of Koller et al., since adding the feature of combining the second set of data with road model data to provide a realistic visual appearance of roads in the region improve graphical representation of the computer games.

As to claim 3, this claim is rejected based on arguments given above for rejected claim 2 and is similarly rejected including the following:

Paulauskas et al. as modified do not teach “wherein the road model data includes road pavement colors, lane stripe markings, curbs, sidewalks, signs, lampposts, lane dividers, traffic signals, speed bumps, and crosswalks”.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Paulauskas et al. as modified by including in the road model data such data as road pavement colors, lane strip markings, curbs, sidewalks, signs, lampposts, lane dividers, traffic signals, speed bumps and crosswalks since adding such detail model data allows the computer games effectively built with more realistic scenes of roads in the region.

As to claim 4, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Paulauskas et al. do not teach “wherein the second set of data is combined with 3D model data to provide a realistic visual presentation of polygon shaped features in the region”.

Koller et al. teach “wherein the second set of data is combined with 3D model data to provide a realistic visual presentation of polygon shaped features in the region” (see [page 95, column 2, paragraph 2-4], [page 96, column 1, paragraph 2 and 3] and [page 96, column 2, paragraph 4]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Paulauskas et al. by the teaching of Koller et al., since adding the feature of combining the second set of data with 3D model data to provide a realistic visual representation of polygon shaped features in the region provides

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an effective way to build computer game scenes with more realistic views which plays a key role in attracting computer game users.

As to claim 5, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Paulauskas et al. do not teach “wherein the second set of data is combined with 3D model data to provide a realistic visual presentation of cityscape and landscape features in the region”.

Koller et al. teach “wherein the second set of data is combined with 3D model data to provide a realistic visual presentation of cityscape and landscape features in the region” (see [page 94, column 2, paragraph 1 and 2], [page 96, column 1, paragraph 2 and 3] and [page 96, column 2, paragraph 4]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Paulauskas et al. by the teaching of Koller et al., since adding the feature of combining the second set of data with 3D model data to provide a realistic visual representation of cityscape and landscape features in the region provides an effective way to build computer game scenes with more realistic views which plays a key in attracting computer game users or customers.

As to claim 6, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

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Paulauskas et al. do not teach “wherein the second set of data is combined with 3D model data to provide a realistic visual presentation of one of a group consisting of: buildings, fences, trees, shrubbery, lawns, and clouds in the region”.

Koller et al. teach “wherein the second set of data is combined with 3D model data to provide a realistic visual presentation of one of a group consisting of: buildings, fences, trees, shrubbery, lawns, and clouds in the region” (see [page 94, column 2, paragraph 1 and 2], [page 95, column 2, paragraph 2-4], [page 96, column 1, paragraph 2 and 3] and [page 96, column 2, paragraph 4]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Paulauskas et al. by the teaching of Koller et al., since adding the feature of combining the second set of data with 3D model data to provide a realistic visual representation of cityscape and landscape features in the region provides an effective way to build computer game scenes with more realistic views which plays a key in attracting computer game users or customers.

As to claim 10, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Paulauskas et al. do not teach “filtering data from the second set of data to provide a desired level of accuracy”.

Koller et al. teach “filtering data from the second set of data to provide a desired level of accuracy” (see [page 97, column 1, paragraph 3-5]).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have modified Paulauskas et al. by the teaching of Koller et al.,

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since adding the feature filtering data from the second set of data to provide a desired level of accuracy provides the computer game developers with an flexible and effective way to get only a set of data needed to render pictures with desired level of accuracy in their computer games.

9. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Trovato (US Patent No 6,183,364) teaches an electronic game uses electronic map data and an environment to create a rich environment, such as a simulated city.

Forsberg (US Patent 6,612,925) teaches a computer game and in particular a competitive activity game such as race type game, involving dynamics and position.

Alumbaugh (US Patent No 6,266,614) teaches a travel guide device including a GPS receiver for determining a present location and accessing to a database of points of interests. The travel guide may provide educational and entertaining games.

Jonah Freedman (Map Quests, 2/2004) teaches games built on real-life data information related to a landmark or a region of interest.

World Construction Set or Visual Nature Studio (06/12/2003) teach a system for create scenes for use in real-time applications including 3D data models.

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Conclusion

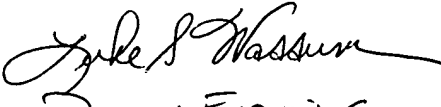
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571) 272-2735. The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PTC

August 31, 2006


Primary Examiner
Art Unit 2167